



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

DA 00-1471
Friday, June 30, 2000

WAIVER OF THE INTERNATIONAL SETTLEMENTS POLICY

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing pursuant to Section 1.3 of the Commission's rules, 47 C.F.R. § 1.3. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Office of Public Affairs Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

ISP-WAV-20000601-00012

WorldCom, Inc.

WorldCom, Inc. (WorldCom) has petitioned the Commission for a waiver of the International Settlements Policy to enter a settlement agreement for International Message Telephone Services (IMTS), ISDN, and VPN between WorldCom and Empresa Brasileira de Telecomunicacoes S.A. (Embratel) in Brazil.

The petition states the proposed settlement arrangement precludes the abuse of market power because Embratel has offered the same terms and conditions to other carriers on the U.S.-Brazil route. WorldCom further states that the proposed alternative settlement arrangement promotes the public interest by moving settlement rates towards cost-based levels and that the weighted average settlement rate for each minute of traffic terminated pursuant to the proposed settlement rate is below the \$0.19 benchmark rate set forth in the *Benchmarks Order*.¹ The proposed arrangement provides

¹ *International Settlement Rates*, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997) (*Benchmarks Order*); Report and Order on Reconsideration and Order Lifting Stay, 14 FCC Rcd 9256 (1999) (*Benchmarks Reconsideration Order*), *aff'd sub nom. Cable & Wireless P.L.C. v. FCC*, 166 F.3d 1224 (D.C. Cir. 1999)

for a settlement rate covering IMTS, ISDN, and VPN effective January 1, 2000, at the following rates:

For traffic from USA (MCI WorldCom) to Brazil (Embratel):

	<u>Current</u>	<u>Effective 1/1/2000</u>
<u>IMTS:</u>		
Rio de Janeiro)		
Sao Paulo)	\$0.15	\$0.14
Belo Horizonte)		
(3 cities)		
Rest of Brazil (ROB) & Mobile	\$0.225	\$0.205
Home Country Direct, Operator Collect, & 1800 (freephone)	\$0.225	Monthly weighted average of the 3 cities & ROB/Mobile rates
ISDN & VNC	\$0.225	\$0.14
Surcharge	-0-	-0-

For traffic from Brazil (Embratel) to USA (MCI WorldCom):

The settlement rate for traffic to the U.S. will be the weighted average rate, calculated on a monthly basis, of traffic received in the direction from USA (MCI WorldCom) to Brazil.

ISP-WAV-20000606-00013

Sprint Communications Company, L.P.

Sprint Communications Company, L.P. (Sprint) has petitioned the Commission for a waiver of the International Settlements Policy to enter a settlement agreement for International Message Telephone Services (IMTS), ISDN, and VPN between Sprint and Empresa Brasileira de Telecomunicacoes S.A. (Embratel) in Brazil.

The petition states that Sprint understands that Embratel has offered the same terms and conditions to other carriers on the U.S.-Brazil route. Sprint further states that the proposed alternative settlement arrangement is in the public interest by moving settlement rates towards the cost to terminate calls on the U.S.-Brazil route. Sprint further states that granting the waiver will result in an average settlement rate below the \$0.19 benchmark rate set forth in the *Benchmarks Order*. The proposed arrangement provides for a settlement rate covering IMTS, ISDN, and VPN effective January 1, 2000, at the following rates:

For traffic from USA (Sprint) to Brazil (Embratel):

	<u>Current</u>	<u>Effective 1/1/2000</u>
<u>IMTS:</u>		
Rio de Janeiro)		
Sao Paulo)	\$0.15	\$0.14
Belo Horizonte)		
(3 cities)		
Rest of Brazil (ROB) & Mobile	\$0.225	\$0.205
Home Country Direct, Operator Collect, & International Toll Free	\$0.225	Monthly weighted average rate of the 3 cities, ROB & Mobile
ISDN & VPN	\$0.225	\$0.14

For traffic from Brazil (Embratel) to USA (Sprint):

The settlement rate for traffic to the U.S. will be the weighted average rate, calculated on a monthly basis, of traffic received in the direction from USA (Sprint) to Brazil.

Interested parties may file comments by July 14, 2000 and reply comments by July 24, 2000.

For additional information, contact Ken Stanley, Telecommunications Division, International Bureau, (202) 418-1460.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–.2003.

The Commission most recently amended its rules applicable to international telecommunications common carriers in IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999). An updated version of Section 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.

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